IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR
S.B. Civil Writ Petition No.3858/03
M/s. Dinesh Enterprises, Bandikui
Vs.
Bharat Petroleum Corporation Ltd. & Ors.

24.5.2007

Hon'ble Mr. Justice Mohammad Rafiq

Shri Rajesh Kapoor for petitioner.
Shri Anant Kasliwal)
Shri S.C. Gupta) for respondents.

Heard learned counsel for the parties.

This writ petition has been filed by M/s. Dinesh Enterprises which is a LPG Distributor of M/s. Bharat Petroleum Corporation Ltd. against the order dated 11.6.03 whereby the Bharat Petroleum Corporation Ltd. directed that the supply of those consumers who are residing in Village Mandawar shall be affected by the

LPG Distributor of Indian Oil Corporation Ltd. located at Mahuwa. The basis of this order is that as per the survey report of joint industry team, the distance from Mahuwa to Mandawar was found to be 14.8 kms whereas as per the Survey of India's letter No.3828/42-C-3(1) dated 27.5.03, the radial distance between Mahuwa and Madawar is 14 kms and the oil companies have common policy to allocate the area falling within 15 kms radius exclusively to newly commissioned Distributorship.

Learned counsel for the petitioner submits that as per the original agreement between the petitioner and M/s. Bharat Petroleum Corporation Ltd., the area was allocated to the petitioner. It is also asserted that that distance between Mahuwa and Mandawar is

more than within 15 kms. and accordingly the matter would fall outside the purview of the so called policy which is being made basis.

Shri Anant Kasliwal, the learned counsel for M/s. Bharat Petroleum Corporation Ltd. however supported the order and argued that all companies have a joint policy of allocating the area falling within the radius of 15 kms to newly distributionship and therefore, the order passed by the respondent is perfectly legal and valid.

Having heard the learned counsel for the parties and perused the material on record, I find that when the joint industry team of the companies have on the basis of survey recorded the distance between Mahuwa and Mandawar to be 14.8

kms and the Survey of India has also certified it to be only 14 kms, the policy decision of the oil companies to allocate such area to the newly commissioned distribution ship cannot be said to be illegal or unconstitutional.

No interference with such a policy decision by this Court is called for. The issue sought to be raised by the petitioner that the distance in fact is more than 15 kms. cannot be entertained because there is no reason not to believe the survey conducted by joint team of the respondent oil companies as also the letter of Survey of India. I therefore do not find any substance in this writ petition.

The writ petition is dismissed.

(Mohammad Rafiq),J.

Rs/-